

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
) No. SA:08-CR-301
vs.)
) San Antonio, Texas
STEVEN LYNN MOUTON,)
Defendant.)
March 17, 2010
)

TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF:

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1 (March 17, 2010, defendant present.)

2 THE COURT: Thank you. Please be seated.

3 08-CR-301, United States of America versus Steven
4 Lynn Mouton.

5 MS. THOMPSON: Good afternoon, Your Honor. Tracy
6 Thompson and Sarah Wannarka appearing on behalf of the United
7 States.

8 MR. BASILE: Good afternoon, Your Honor. Karl
9 Basile on behalf of Mr. Mouton.

10 THE COURT: There are objections to the presentence
11 report. Let me hear those objections first. There are
12 objections to paragraphs 24, 35, and 37 of the report, arguing
13 that the base offense level is incorrectly -- or the Total
14 Offense Level is incorrectly scored.

15 MR. BASILE: That is correct, Your Honor.

16 THE COURT: How is it incorrectly scored?

17 MR. BASILE: Well, my objections would be for the
18 addition of the four points, Your Honor, and it is added for
19 the sadistic, masochistic conduct, and I briefed that in a
20 little more detail in a sentencing memo I filed yesterday. I
21 apologize for the late filing. It is in response to the
22 government's from a week ago.

23 There is -- Your Honor, there is some case law out
24 of the Fifth Circuit --

25 THE REPORTER: Counsel, Counsel, Counsel, Counsel,

1 you need to slow down.

2 MR. BASILE: There is some case law out of the Fifth
3 Circuit that does talk about different definitions than I put
4 in from Black's law dictionary, so that is why in addition to
5 that, I added the objections based upon, and it is my opinion
6 that he is being double counted, because there are already
7 points added because there is a child involved and already
8 points added because there was a sexual act involved.

9 And if that is the basis for this sadistic,
10 masochistic addition of four points, I would present to the
11 Court that would be double points added for the same conduct.
12 So in addition to the objection, under the definition, that it
13 doesn't show, in my opinion, what would be as far as bondage
14 or anything that would include the -- I think under that
15 separate provision that it would be double points added for
16 that.

17 The other objection I have, Your Honor, is for
18 not -- not the acceptance of responsibility. The issue in
19 this case, which was briefed to the Judge and to the Court,
20 was a legal issue based upon the evidence as presented at the
21 trial.

22 Mr. Mouton, in the beginning, when he met with the
23 agents, did not dispute the evidence that was there, did not
24 dispute the pictures. It was all a legal basis as part of,
25 like I said, our motion for judgment and motion for new trial.

1 And I think that on that issue, Your Honor, he
2 should be entitled to acceptance, because he took it to a
3 trial for an issue that still may need to be decided. I have
4 not seen a Fifth Circuit case on that issue yet. Even though
5 other circuits have ruled against us, I have not seen the
6 Fifth Circuit actually rule on that legal issue yet, Your
7 Honor.

8 So for that basis, I would ask the Court to give him
9 his acceptance of responsibility.

10 THE COURT: Any response?

11 MS. BRAUN: Your Honor, the government sentencing
12 memorandum covers the sadistic enhancement. It is not just
13 that a sexual act was committed with a child, but the sadistic
14 enhancement applies because of the specific acts done to the
15 child. The fact that an adult penis was inserted into this
16 little girl's vagina means the sadistic enhancement applies
17 under Lyckman.

18 In addition, because he inserted a foreign object
19 into this child's vagina, the sadistic enhancement applies
20 under, I believe, U.S. v. Canada. Fifth Circuit case law is
21 clear that that application should be given in this case.

22 With regard to acceptance of responsibility, the
23 government feels strongly he shouldn't get it. He has a
24 constitutional right to a jury trial. He exercised that
25 right. He is not being punished.

1 He doesn't have a constitutional right to acceptance
2 of responsibility. He could have accepted responsibility for
3 producing child pornography. He chose not to. Not only did
4 he not accept responsibility, but now he wants to take credit
5 because the victim didn't come in and testify.

6 The government's decision not to call the victim as
7 a witness in this case and put additional trauma on her should
8 in no way reflect any good will on behalf of the defendant.
9 He has not accepted responsibility for using this child to
10 produce child pornography and, therefore, that enhancement
11 should not apply in this case.

12 THE COURT: Yes. With regard to paragraph 28, the
13 enhancement of four levels because of material portraying
14 sadistic or masochistic conduct, I have reviewed the
15 sentencing guidelines, the commentary.

16 The commentary is clear that penetration of a young
17 child by an adult male warrants a sadistic conduct increase.
18 And the Fifth Circuit in Lyckman, L-y-c-k-m-a-n, 235 F 3d 234,
19 Fifth Circuit, 2000, confirms that. So that objection is
20 noted and overruled.

21 With regard to paragraph 34, that is the denial of
22 acceptance of responsibility. With regard to acceptance of
23 responsibility, the commentary to Section 3-E-1.1 indicates
24 that an acceptance is required on all counts.

25 The defendant refused to admit guilt to Count 2. If

1 it was just a legal theory that he was going to try to pursue,
2 the defendant could have, but chose not to take a plea,
3 reserving his rights of appeal and failed to do so.

4 And then in the alternative, acceptance of
5 responsibility is also denied, because throughout the trial,
6 and at no time thereafter, has Mr. Mouton accepted
7 responsibility for his actions.

8 His portrayal of his acts against his adopted
9 daughter was shockingly portrayed as sort of lovingly,
10 fatherly acts, and he has never backed away from that
11 position. So the acceptance of responsibility is denied.

12 Any other objections?

13 MR. BASILE: No objections to the guideline points,
14 Your Honor.

15 THE COURT: With that, Mr. Mouton, you are at a
16 Criminal History Category II and a Total Offense Level of 43.
17 Statutorily, the Court is required to sentence you to no less
18 than 15 years and no more than 30 years, 3-0.

19 On Count 2, the Court may not sentence you to any
20 more than ten years. Supervised release on Counts 1 and
21 2 recommend five years to life. A fine is recommended of
22 \$25,000 to \$250,000, and there is a special assessment of \$100
23 on each count, for a total of \$200.

24 And we will now turn to allocution. Counsel.

25 MR. BASILE: Your Honor, in regards to that, I will

1 refer the Court also to the sentencing memo that I filed.

2 In addition, I would say to the Court that even
3 though the Court has stated he has -- in my opinion, Mr.
4 Mouton has accepted what he did. He did accept that right
5 away when the FBI talked to him that day.

6 Further, in addition to what is in there,
7 Mr. Mouton's whole life has not been including that. As the
8 Court can see, he has served this country in the military. He
9 has gone to school, education. He was an educated person, was
10 actually working in the Health-Science Center working in the
11 biology lab doing research that would help the general public.
12 So he has done a lot of good for society and not just the
13 instances that we are here before the Court.

14 He did provide financially for his family, and as
15 the Court knows, there was also a home that was seized, so he
16 was a good provider for the family financially and was able to
17 do that.

18 And on those bases, Your Honor, I would ask the
19 Court, as I requested in the sentencing memo, to sentence him
20 within the range of the 15 to 30 years, but I would ask the
21 Court to do that between 15 and 20 years, Your Honor.

22 He would then be 70-something years old when he is
23 released. He is 57 years old at this time. He would not be,
24 at that time, in my opinion, a threat to society or a threat
25 to anybody else at that age.

1 As long as he gets the treatment and counseling that
2 is provided through the Bureau of Prisons, I think at that
3 time, Your Honor, he could become a productive citizen and
4 would not be a threat.

5 THE COURT: Thank you, Counsel.

6 Mr. Mouton, would you like to say anything?

7 THE DEFENDANT: Yes, sir. Can I read?

8 THE COURT: Yes.

9 THE DEFENDANT: I am out of my element here. As he
10 said, I have been a productive citizen. I have actually made
11 presentations to members of the World Health Organization. I
12 have done presentations all over the United States for
13 different scientific conventions and what have you, and I have
14 done my best to do my best.

15 Your Honor, I know I screwed up in this case, and
16 every hour and every day for the last 23 months, I have
17 mentally flogged myself and asked myself, what the hell was I
18 doing? What was I thinking? And I have no answer for that.
19 I wish I did.

20 But there is not even a day or an hour that goes by
21 that I wish I could go back and do it again and correct what I
22 did. And I don't mean coverup. I mean not do what I did. It
23 was inexcusable.

24 I miss my wife and my daughter more than life
25 itself. They are the most important people to me, and they

1 are the two that I let down, worse than anything, and they are
2 the ones I wish I could apologize to, and I am begging their
3 forgiveness and, unfortunately, they are not here, and they
4 can't be here, I guess.

5 In all of this, I haven't really been given a chance
6 to attempt to redeem myself, present Steve Mouton in any
7 positive way. Everybody has just seen this incarceration
8 (sic) of what I have done, to present me as who I am, and that
9 is not who I am.

10 I haven't had anyone really on my side, other than
11 Mr. Basile here. But before this, I haven't had any -- I
12 considered myself as a winner and did everything in my power
13 possible to include my family in my winner circle, and I just
14 want you to know how positive of a person I had been in the
15 past.

16 I earned awards and accrued good pay raises for what
17 I did and haven't -- I have had an excellent relationship with
18 and respect of my coworkers and my scientific colleagues. I
19 worked very hard to provide for my family and gave them the
20 best that I could.

21 As Mr. Basile mentioned, I had a wonderful
22 relationship with my daughter for the ten and a half years she
23 was with me. Most fathers would envy the relationship I had.
24 Like I said, that was just a small moment in time of my
25 screwup of what I did.

1 We were very close, and we did so much together. We
2 did everything, played tennis, computer games, Scrabble,
3 Monopoly, lots of board games, worked on all of her school
4 projects together, rode bicycles.

5 My family went to museums, did a lot of theatre,
6 went to the zoo, Biological Gardens. We just got into playing
7 music together. I was a trumpet player in the symphony in
8 Midland, Odessa, and I was getting my lip back in shape and
9 she was playing violin, and we were starting to put our duets
10 together, and we were going to -- we were going to start
11 calling ourselves Honk and Chink, just kind of a thing we came
12 up with.

13 She was very smart and very fun and very well
14 educated, and we matched wits a lot. She was at a higher
15 level than most girls her age. She would help me cook. At
16 the end of the day, we would sit down and watch TV, and she
17 would crawl up on my lap and we would watch TV together.

18 Amanda always knew she could come to me with her
19 problems, no matter how large or small or how embarrassing. I
20 denied her absolutely nothing. She even used to write stories
21 about me. One time, she put together a PowerPoint
22 presentation about me, showed, you know, bragged about how
23 cool her daddy was and how much I loved her and how much she
24 appreciated what I have done for her.

25 As it happens, they are on the same computer that

1 they confiscated, where they resurrected those old, deleted
2 pictures that I had no use for. I had deleted them and
3 thought I had made them go away.

4 I had never viewed them. They were just strictly
5 just data in the computer. I had hoped they were gone. I had
6 no use for that stuff anymore. They had never been viewed or
7 printed or never transferred to any other media source or any
8 other type of media or produced in any way. They were dead
9 and gone.

10 I had many thousands and I mean many thousands of
11 good, wholesome, irreplaceable pictures on my computer and in
12 photo albums. I considered myself a pretty decent amateur
13 photographer. And the deleted pictures, like I said,
14 represented a tiny speck of all of the pictures that I had at
15 home.

16 I mean, like I said, there were many thousands in
17 there, just a few of these pictures, that they were, once
18 again, deleted.

19 And, yes, there is no excuse for the few that I had,
20 but they were destroyed, in my opinion; I had attempted to
21 make them go away. But there is definitely nothing that could
22 be considered anywhere near interstate or commerce
23 trafficking.

24 Your Honor, I have never had any trouble with the
25 law before this. I have always considered myself an

1 above-average citizen, that I have avoided any confrontations,
2 other than speeding tickets.

3 I have always gone out of my way to not do something
4 illegal and try to form a good-guy image for my daughter,
5 doing the right things, so she would grow up and do the right
6 thing.

7 I admire and respect many cultures, and being we
8 were a multicultural family, we did a lot of outings together.
9 My wife was Hispanic and my daughter Chinese, and we would try
10 to do all of the cultural things together to educate my
11 daughter on world views and world things and world activities.

12 I have always tried to maintain a positive outlook,
13 to the point that my wife used to call me the ultimate
14 optimist. She said it sometimes in a positive way and
15 sometimes in a negative way, because it seems like I was never
16 negative.

17 My daughter was always a straight A student, got
18 good grades. She sat first chair violin in her junior high
19 orchestra, and these weren't any accidents. This was a lot of
20 input from the parents, especially me, and we spent a lot of
21 quality time.

22 In addition, on my behalf, I was doing a lot of
23 volunteer work. I was working volunteer work for a wildlife
24 rescue and rehabilitation in Kendalia, which is just north of
25 Boerne, and I was also volunteering at the Rainbow Alpaca

1 Farms in Boerne, and I was doing that right up to the time
2 that I was arrested.

3 I have never done anything to intentionally hurt
4 anyone, especially my daughter. Ms. Braun has presented me in
5 a very negative way and talked about me like I am evil -- and
6 I am not. She knows nothing about my past and what I have
7 done, as far as the positive outlook on life and things.

8 Like I said, my -- where I screwed up, it was not
9 intentionally to hurt anyone. In fact, I placed my wife and
10 my daughter on a pedestal and pretty much did everything in my
11 power to make sure they were happy, and my daughter was very,
12 very happy with me as a father.

13 My wife, as well as her friends, we would go to
14 parties and get-togethers, bragged about me as a person, and
15 my wife would tell them stories about my accomplishments as a
16 husband and a father. And I hope you will take these into
17 consideration.

18 I understand there are some letters also on my
19 behalf. I am not sure what, but -- but if you were to set my
20 daughter down, she would tell you that she could probably come
21 up with a million good things that she could tell about me, if
22 you would ask her.

23 I am an intelligent, well-rounded person. I
24 consider myself a pretty good craftsman. I build and I
25 actually constructed a couple of houses, built them by myself,

1 and I still have a lot to give.

2 In short, Your Honor, I am asking for leniency, as
3 far as you can go. I am not saying I shouldn't be punished.
4 I know I should be punished, but my God, I have already paid
5 the ultimate price. I have lost my home. I have lost my
6 wife.

7 I had a houseful of heirlooms and treasures, four
8 generations' worth, that I have no idea where they are right
9 now. I don't know what happened to them. So I have lost all
10 of that, but worst of all, I have lost my right to see and be
11 with my daughter, and that hurts more than anything.

12 THE COURT: Anything from the government?

13 THE DEFENDANT: I will always --

14 THE COURT: I'm sorry. I thought you were finished.

15 THE DEFENDANT: I will always be her daddy. And she
16 will always be my baby doll, which was my nickname for her.

17 I don't know what you can do as far as my
18 sentencing, but some of the things I thought about, and I
19 don't know if it would be of precedence or not, but
20 considering something like an organ donation or organ
21 transplant or working for some of these other countries that
22 have been devastated by earthquakes and floods and what have
23 you, if I could do some sort of work like that. I don't know
24 what -- or even like a civilian tour of duty in Afghanistan or
25 Iraq. I just don't want to be locked up anymore.

1 THE COURT: Anything further?

2 THE DEFENDANT: No.

3 MR. BASILE: Your Honor --

4 THE COURT: The government.

5 MS. THOMPSON: Do you have something?

6 MR. BASILE: Your Honor, I just had a couple of
7 things, and just to respond to -- just to remind the Court
8 that all of the images on the computer, except for a few, had
9 been deleted, and there is no evidence of any distribution or
10 attempt to distribute any of it.

11 And I would ask the Court, if possible, for a
12 sentencing that he could be placed as close to here as
13 possible. His parents, his mom is about 80 years old, she is
14 elderly, and that would allow them to be able to visit as much
15 as possible. So if the Court could make a recommendation, I
16 would request that.

17 MS. THOMPSON: Thank you, Your Honor. There was one
18 image on that computer that was put in the trial evidence at
19 trial that was not deleted. Also, with regard to the deleting
20 of images, it may just be coincidence. It may just be good
21 luck on the part of the defendant. We will never know. Only
22 he knows.

23 But I can tell the Court this. He was on probation
24 for sexually touching a seven-year-old girl in the bathtub.
25 Unfortunately, he got deferred prosecution on that matter in

1 Kendall County.

2 While he was on probation, on October 13 of 2007, he
3 was ordered to take a polygraph examination. He failed that
4 polygraph examination. All of the images, most of the images
5 on his computer were deleted October 16th of 2007. Let's see.
6 I failed the polygraph. Something may happen. I am going to
7 go home and erase everything I had. And then probation visits
8 him and then the search warrant is conducted on October 18th
9 of 2007.

10 Coincidence? Maybe. I don't think so. So to say I
11 have been downloading child pornography, I like it, and then I
12 feel bad and I delete it, that is probably true.

13 Did he delete that quantity of child pornography
14 because he felt bad about it and didn't want to participate in
15 it anymore? Or is it because he failed a polygraph
16 examination?

17 Here is the problem. Steven Mouton has been
18 sexually preying on children for most of his life, for the
19 last 33 years of his life. When he says he owes an apology to
20 his wife and his daughter, he owes a few more apologies.

21 There is another little girl that he started
22 sexually abusing when she was five. It only stopped when she
23 turned 18 and moved out of the house. He owes her an apology.

24 There is another little girl that was in his bathtub
25 when she was sexually touched by him. He owes her an apology.

1 Everything in this case suggests that he will -- if
2 given an opportunity, he will continue to prey upon children.
3 He has for most of his life.

4 He goes on to talk about the wonderful relationship
5 he had with the victim in this case, and that most fathers
6 would envy it. A lot of what he is describing, the time they
7 spent together and the things they did sounds like grooming.
8 Is it self-less on his part? Probably not.

9 When he says, "She loved me and she didn't complain
10 and she liked this," this little girl didn't know this was
11 wrong. She didn't know it was wrong, because he told her it
12 was okay.

13 He said that this is what dads do with daughters, so
14 she didn't even know that that wasn't happening with her other
15 friends. She didn't know that that wasn't part of a normal
16 father-daughter relationship.

17 He helped her with her homework. He taught her how
18 to play the violin. He did wonderful things for her. He also
19 killed who she could have been.

20 This little girl is unbelievably bright and talented
21 and funny, and he ruined that. He took away the potential
22 that she had.

23 He says, "I denied her nothing." That is
24 incredible. He denied her her innocence. He denied her her
25 privacy. He denied her the right just to be a little girl,

1 and he still doesn't see it.

2 He thinks he should get an award for father of the
3 year. Look at all of the wonderful things I did for her. He
4 still can't see what he took away from this child. Nothing
5 that he has done in the past nor nothing he can do in the
6 future will make up for the tremendous harm that this child
7 has suffered.

8 She is not here today, and there isn't anybody here
9 to speak for her. I have talked with the family, and I would
10 like to speak on their behalf. Part of the reason that she
11 can't be here, and that someone can't stand up and tell you
12 how this has affected her, is that we don't even know yet.

13 In most cases, when children are sexually abused,
14 there is a process of disclosure. As you know, some children
15 never disclose that they were abused. Some people disclose to
16 a trusted individual, and they determine at what point in
17 their life they are going to disclose, and it is a whole
18 process of how this happens.

19 Unfortunately, in this case, we never gave that
20 little girl a chance to do that. This was thrust upon her,
21 because we found the images of the worst moments of her life,
22 and we confronted her and told her she was a victim, because
23 he told her that was normal father-daughter behavior.

24 She didn't like it, but she didn't know it was
25 wrong. It is like when a child has a runny nose, I wipe his

1 nose. He doesn't like it. It hurts him, but I am his mom,
2 and so it is probably okay that I am wiping his nose.

3 That is all I can equate to this. She didn't like
4 what was happening, but she didn't know it was wrong because
5 he convinced her otherwise.

6 She also didn't have the opportunity to go through
7 the process of disclosure, because we came to her and said,
8 "Hey, we found pictures of you. We know you have been
9 sexually abused."

10 She is having a hard time dealing with this. She
11 doesn't know yet how this will affect her. We can tell you
12 from the studies that have been done, this will affect her
13 throughout her life. This will affect her as she goes through
14 puberty. This will affect her when she starts dating. This
15 will affect her when she gets married. This will affect her
16 when she has children. This will affect her at all of the
17 times in her life that are supposed to be wonderful. That is
18 when this will affect her, and probably many more -- we don't
19 know that yet.

20 He has denied her not only her childhood, but a part
21 of her future. And he doesn't get that.

22 He said he tried to portray a good guy image for his
23 daughter. Well, I have gone on about how he told her that
24 this was okay.

25 When he says, "I have never done anything to

1 intentionally hurt anyone," we know that is not true. There
2 are at least three females that have come forward and said,
3 "He sexually abused me." Or that we know from pictures he
4 sexually abused.

5 Steven Mouton was never prosecuted for the sexual
6 abuse that he committed against his first victim. The second
7 victim, he was given deferred prosecution in Kendall County,
8 which is what led to probation officers going out to his house
9 in this case.

10 He got leniency from Kendall County. Had he been
11 prosecuted for those, he would be looking at a life sentence.
12 Even if he had been adjudicated guilty in the Kendall County
13 offense, he would be looking at a statutory maximum of 50
14 years, instead of 30.

15 It is significant in this case that the guidelines
16 call for a sentence of life imprisonment. That is what is
17 supposed to happen when you do something this heinous to a
18 little girl. You can't give him that. The statutory maximum
19 is 30 years.

20 The government feels strongly that he has earned
21 every year of those 30 years, and that in this case, that is
22 the only fair and just sentence.

23 MR. BASILE: Your Honor --

24 THE COURT: Yes.

25 MR. BASILE: -- I would disagree with the

1 interpretation of the state laws as far as 50 years. Under
2 the new statutes, that might be correct, but the old
3 statutes -- he did in the original case, it would not apply,
4 under what they call the super sexual aggravated assault --

5 THE COURT: Well, I am not taking into account what
6 the state system would or would not call for.

7 MS. THOMPSON: That was under federal law, he would
8 be -- the minimum would have been 25 and the maximum would
9 have been 50 under federal law.

10 MR. BASILE: I misunderstood. I thought she was
11 talking about the state court.

12 THE COURT: And that's the way I understood it as
13 well. I only look at what is before me, and the statutory
14 minimum is 15 and the statutory maximum is 30 on Count 1.

15 Mr. Mouton, having reviewed your presentence report,
16 the Court adopts the presentence report. Having reviewed the
17 3553(a) factors, I find that your deviant behavior has been
18 traced back to at least 1976, when you began molesting your
19 biological daughter.

20 Your daughter, at that time, was five years old and
21 that behavior continued until she left for college at age 18.
22 In 1997, you and your wife adopted a second child from China.
23 You admitted that you began taking pictures of that daughter
24 throughout a period of ten and a half years since her
25 adoption.

1 In addition to taking pictures, you sexually
2 assaulted her. You inserted your penis and your fingers into
3 her. In 2006, a year prior to this offense, you were
4 convicted of indecency with a child. That was fondling your
5 seven-year-old granddaughter while that child was in the
6 bathtub.

7 Having reviewed all of the 3553(a) factors, I note
8 that you have led two different lives, one very commendable
9 and one very deviant. In light of all of the following, I
10 sentence you on Count 1 to 30 years of imprisonment. On Count
11 2, I sentence you to 120 months, both counts to be served
12 concurrently.

13 Upon release from imprisonment, you will be placed
14 on supervised release for a period of 20 years on each of
15 Counts 1 and 2, to be served concurrently.

16 The Court orders you to pay a fine in the amount of
17 \$5,000 in each of Counts 1 and 2, for a total of \$10,000. The
18 Court orders you to pay a special assessment of \$100 on both
19 Counts 1 and 2, for a total of \$200.

20 Upon release from imprisonment, you will be placed
21 on supervised release, as I said, for a term of 20 years.
22 While on supervised release, you will comply with the
23 mandatory and standard conditions adopted by the Court on
24 May 27, 2004.

25 In addition to those conditions, the following shall

1 apply. You shall attend and participate in mental health
2 treatment programs as approved and directed by your probation
3 officer.

4 You shall not associate with any children or child
5 under the age of 18, except in the presence and supervision of
6 an adult, specially designated in writing by the probation
7 officer.

8 You shall reside in a residence approved in advance
9 by the probation officer. Any changes in residence must be
10 preapproved by your probation officer. You shall not reside
11 within 1,000 feet of any real property comprising a public or
12 private elementary, vocational or secondary school.

13 You will refrain from purchasing any sexually
14 oriented or stimulating materials involving children. If you
15 possess a computer or any other kind of electronic or digital
16 device, you will make those devices available for the
17 probation officer for his or her inspection.

18 If you are required to register under the Sex
19 Offender Registration and Notification Act, you will submit in
20 person your property, house, computers and any other
21 electronic communication devices or storage devices to search
22 at any time, with or without a warrant, by a law enforcement
23 or probation officer.

24 You shall register with the sex offender
25 registration agency in any state where you may reside and be

1 employed or carry on a vocation.

2 You have the right to appeal the sentence imposed in
3 this case. The Court will order that the presentence report
4 be sealed and made a part of the record. Should application
5 of the guidelines be appealed, the report will be made
6 available for review for appellate purposes only.

7 I will make a recommendation that you be placed in a
8 facility as close to San Antonio, Texas.

9 Anything further?

10 MS. THOMPSON: Yes, Your Honor. The government
11 would respectfully ask that you issue an order of forfeiture
12 and that it be made part of the final judgment in this matter.

13 THE COURT: I don't remember a forfeiture issue in
14 this case. What are the items to be forfeited?

15 MS. THOMPSON: The real property where the crime
16 took place, and I believe some computer equipment was added on
17 to that. At the time of the conviction, a temporary order of
18 forfeiture was granted.

19 THE COURT: Yes.

20 MR. BASILE: That is correct, Your Honor. At the
21 jury trial, you did that.

22 THE COURT: I recall that now. That will be granted
23 as well.

24 MS. THOMPSON: Thank you, Your Honor.

25 MR. BASILE: May we be excused, Judge?

1 THE COURT: Yes.

2 *-**-**-**-**

3 UNITED STATES DISTRICT COURT)

4 WESTERN DISTRICT OF TEXAS)

5 I certify that the foregoing is a correct transcript
6 from the record of proceedings in the above-entitled matter.

7 I further certify that the transcript fees and format comply
8 with those prescribed by the Court and the Judicial Conference
9 of the United States.

10 Date signed: April 26, 2010.

11
12 /s/ Karl H. Myers

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